

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of
Serial No. 10/669,529
Filed: September 25, 2003
For: JOINT CONSTRUCTION OF COBALT-BASED ALLOY

Y. KIYOTOKI et al.
Group Art Unit: 3754
Examiner: Eric S. Keasel



**TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING
REJECTION (37 CFR 1.321(b)) (ref OG 7-28-92)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The evidentiary documents accompanying or referred to in the Terminal Disclaimer have been reviewed by the undersigned and it is certified that, to the best of the assignee's/assignees' knowledge and belief, title is in the assignee/assignees seeking to take action.

The assignments for U.S. Patent No. 6,672,330 were recorded on February 5, 2001 and May 15, 2001, at Reels 011540 and 011810, Frames 0944 and 0486, respectively. Assignee: Hitachi, Ltd.

The Assignment for Application Serial No. 10/270,515 was recorded on May 17, 2002, at Reel 012910, Frame 0994. Assignee: Hitachi, Ltd.

I/We the Petitioner/Petitioners, as indicated herein, am/are the owner/owners of 100 percent interest in the instant application. Petitioner/Petitioners hereby disclaims/disclaim, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer of U.S. Patent No. 6,672,330 and as presently shortened by any terminal disclaimer filed prior to the grant of any patent granted on U.S. Application Serial No. 10/270,515 filed October 16, 2002. Petitioner/Petitioners hereby agrees/agree that any patent so granted on the application shall be enforceable only for and during such period that it and the above-listed patents are commonly owned. This agreement runs with any patent granted on the application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner/Petitioners does/do not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of any of the above-listed patents in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney of record who may sign this Disclaimer in accordance with 37 CFR § 1.321(b)(1)(iv).

I/We hereby declare that all statements made herein of my/our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Attorney of Record:

Gene W. Stockman
(Printed Name)

Attorney of Record
(Printed Title)

December 9, 2004
(Date)

Gene W. Stockman
(Signature) Reg. No. 21,021

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.
- ☒ The Commissioner is hereby authorized to charge any additional payment due, or to credit any overpayment, to Deposit Account No. 50-1417.
- ☒ PTO suggested wording for terminal disclaimer was CHANGED to permit disclaimer to obviate multiple rejections.

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